

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

SHERRI L. SANGSTER,)	
)	
Claimant,)	IC 01-008322
v.)	
)	ORDER
POTLATCH CORPORATION,)	
)	
Employer,)	
)	Filed: November 16, 2004
and)	
)	
WORKERS COMPENSATION EXCHANGE,)	
)	
Surety,)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant sustained a back injury caused by a work-related accident on February 9, 2001. She has incurred a whole person permanent partial impairment (PPI) rating of 6%. Defendants are to be credited with any amount previously paid.

2. Claimant is entitled to a PPD rating of 10% of the whole person inclusive of her PPI.

3. Claimant remains entitled to “reasonable medical care” for her work-related injury as was set forth in the February 28, 2003 Order. This includes all recent and past due amounts.

4. Claimant is entitled to attorney fees for delayed payment of total temporary and temporary partial disability benefits, medical benefits, and her initial 5% impairment rating. Unless the parties can agree on an amount for reasonable attorney fees, Claimant’s counsel shall, within twenty-one (21) days of the entry of the Commission’s decision, file with the Commission a memorandum of attorney fees incurred in counsel’s representation of Claimant in connection with these benefits, and an affidavit in support thereof. The memorandum shall be submitted for the purpose of assisting the Commission in discharging its responsibility to determine reasonable attorney fees in this matter. Within fourteen (14) days of the filing of the memorandum and affidavit thereof, Defendants may file a memorandum in response to Claimant’s memorandum. If Defendants object to the time expended or the hourly charge claimed, or any other representation made by Claimant’s counsel, the objection must be set forth with particularity. Within seven (7) days after Defendants’ counsel files the above-referenced memorandum, Claimant’s counsel may file a reply memorandum. The Commission, upon receipt of the foregoing pleadings, will review the matter and issue an order determining attorney fees.

5. Claimant is entitled to interest on the unreasonably delayed benefit payments as provided by Idaho Code § 72-734.

6. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all

matters adjudicated.

DATED this 16th day of November, 2004.

INDUSTRIAL COMMISSION

/s/ _____
R.D. Maynard, Chairman

/s/ _____
Thomas E. Limbaugh, Commissioner

/s/ _____
James F. Kile, Commissioner

ATTEST:

/s/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2004, a true and correct copy of the foregoing **ORDER** was served by regular United States mail upon each of the following persons:

JOHN R TAIT
PO DRAWER E
LEWISTON ID 83501

SCOTT CHAPMAN
PO BOX 446
LEWISTON ID 83501-0446

djb /s/ _____